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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,072	06/26/2003	Kenneth E. Sauter	SAU004-186	1640

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EXAMINER

PAIK, SANG YEOP

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,072

Applicant(s)

SAUTER ET AL.

Examiner

Sang Y Paik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6-13 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker (US 6,297,482) or Blanchard et al (US 6,717,117) in view of Ueda (US 4,410,795).

Becker shows a cooking appliance having a cooktop with associated heating elements, a controller for operating the heating elements wherein at least one control element allows for inputting power settings, and Becker also shows a timer with a display along with the power setting control elements to provide for establishing a timer control. Furthermore Becker shows a slew of buttons for increasing or decreasing the power and time settings. Blanchard shows a cooking appliance having a cooktop with associated heating elements with a power and timer controller for inputting desired power settings and timer. However, neither Becker nor Blanchard shows the inputting of second power level operated for the second time duration after the first time duration associated with a first power level.

Ueda shows a cooking appliance having a controller with the control elements having a plurality of buttons for selecting a first set of button for inputting the first set of power and time duration and a second set of button for inputting the second set of power and time duration. Ueda further shows a digital display having a first and second display sections where the first display indicates the power input and the second display having the time duration. Ueda also allows the

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power and time duration to increase or decrease depending on the desired settings, and the selection of the second power and time duration is prompted automatically after the first power level and time duration is entered.

In view of Ueda, it would have been obvious to one of ordinary skill in the art to adapt Becker or Blanchard with the programmable control elements to input the sequential power and time durations to automatically implement the cooking process which requires varying heating temperature and time.

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker or Blanchard in view of Ueda as applied to claims 1, 2, 6-13 and 16-20 above, and further in view of Ljunngren (US 5,073,701) and Hoellerich (US 6,294,994).

Becker or Blanchard in view of Ueda shows the cooking appliance claimed except the controller performing the terminating operation.

Ljunngren shows a power termination process after detecting that the cooking operation has not been changed for a predetermined time. Hoellerich also shows a power termination process after detecting no user has been detected for a predetermined time.

In view of Ljunngren or Hoellerich, it would have been obvious to one of ordinary skill in the art to adapt Becker or Blanchard, as modified by Ueda, with the power termination operation after a predetermined time including the claimed time duration to safeguard the cooking appliance from overheating or fire hazards.

Allowable Subject Matter

4. Claim 5 is allowed over the prior art of record.

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5. Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. R

Sang Y Paik
Primary Examiner
Art Unit 3742

syp